



State of New Jersey

Department of Environmental Protection

Budget, Finance and General Services

P.O. Box 420

428 East State Street

Trenton, NJ 08625-0420

James E. McGreevey
Governor

Bradley M. Campbell
Commissioner

November 5, 2003

Mr. Roch Baamonde, Chief
Grants and Contracts Management Branch
U.S. Environmental Protection Agency
Region II
290 Broadway, Floor 27
New York, New York 10007-1866

RE: Superfund Cooperative Agreement Amendment
Hazardous Waste Site Inventory Program (PA/SI)
V002420-02-1

Dear Mr. Baamonde:

Enclosed are two signed originals of the above-referenced cooperative agreement.

If further information is needed, please contact Diane Fennimore at (609) 984-3121.


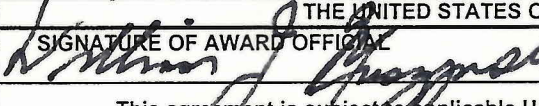
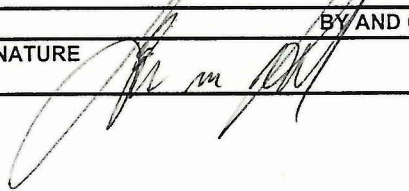
Sincerely,

Therese A. Kell, Manager
Federal Funds Coordination

Enclosure

c: Evan Van Hook, Assistant Commissioner
Marlen Dooley, Director
Pam Lyons, Director
Biff Lowry
Carol Hemington, USEPA

NOV 12 AM 11:30
ENVIRONMENTAL PROTECTION
AGENCY REGION II
GRANTS AND CONTRACTS
MGMT. BRANCH

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		ASSISTANCE ID NO.		DATE OF AWARD SEP 29 2003	
			PRG	DOC ID		AMEND#
			V - 00242002 - 1			MAILING DATE SEP 29 2003
			TYPE OF ACTION Augmentation: Increase			
RECIPIENT TYPE: State		Send Payment Request to: Region 2 Financial Mgt. Branch				
RECIPIENT:		PAYEE:				
New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 EIN: 21-6000928		New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
Biff Lowry 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 E-Mail: Phone: 609-584-4271		Mel Hauptman 290 Broadway, ERRD/SPB/PRS New York, NY 10007-1866 E-Mail: Hauptman.Mel@epa.gov Phone: 212-637-4338		Carol Hemington Grants and Contracts Mgt Branch, OPM/GCMB E-Mail: Hemington.Carol@epa.gov Phone: 212-637-3420		
PROJECT TITLE AND EXPLANATION OF CHANGES Hazardous Waste Site Inventory Program The Cooperative Agreement for pre-remedial (i.e., preliminary assessment and site investigation) activities is increased by \$983,276, the project period and budget period are extended to September 30, 2004, and the Terms and Conditions are revised. This action is based on the application dated August 13, 2003 and revised September 24, 2003.						
BUDGET PERIOD 10/01/2002 - 09/30/2004		PROJECT PERIOD 10/01/2002 - 09/30/2004		TOTAL BUDGET PERIOD COST \$1,945,004.00	TOTAL PROJECT PERIOD COST \$1,945,004.00	
NOTE: The Agreement must be completed in duplicate and the Original returned to the appropriate Grants Management Office listed below, within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the Recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.						
OFFER AND ACCEPTANCE						
The United States, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers Assistance/Amendment to the <u>New Jersey Dept of Environmental Protection</u> for <u>100.00</u> % of all approved costs incurred up to and not exceeding <u>\$1,945,004</u> for the support of approved budget period effort described in application (including all application modifications) cited in the Project Title and Description above, signed <u>08/13/2003</u> included herein by reference.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
Grants and Contracts Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL		TYPED NAME AND TITLE			DATE	
		Jane M. Kenny, Regional Administrator			SEP 29 2003	
This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter 1, Subchapter B and of the provisions of this agreement (and all attachments), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE		TYPED NAME AND TITLE			DATE	
		Bradley M. Campbell, Commissioner			11/13/03	

Acceptance Copy sent to Fin 11-12-03

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 961,728	\$ 983,276	\$ 1,945,004
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 961,728	\$ 983,276	\$ 1,945,004

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Hazardous Substances Response Trust Fund	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

Fiscal									
Site Name	DCN	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
PA/SI	HE0279	03	T	2AD0P	50102D	4185	02ZZQB00	C036	983,276
									983,276

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$804,769
2. Fringe Benefits	\$220,254
3. Travel	\$22,754
4. Equipment	\$22,750
5. Supplies	\$40,106
6. Contractual	\$496,150
7. Construction	\$0
8. Other	\$65,526
9. Total Direct Charges	\$1,672,309
10. Indirect Costs: % Base	\$272,695
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$1,945,004
12. Total Approved Assistance Amount	\$1,945,004
13. Program Income	\$0

Administrative Conditions

a. GENERAL CONDITION

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter 1, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, will comply with all applicable provisions of 40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR Part 35 Subpart O.

b. TERMS AND CONDITIONS

All Administrative Terms and Conditions included in the original Agreement No. V00242002-0 remain in effect and are incorporated by reference herein, with the following exceptions:

Paragraph (b) of Condition No.4. "PARTIES' REPRESENTATIVES," has been deleted and is replaced with the following updated version:

4.(b) The recipient has designated Biff Lowry, New Jersey Department of Environmental Protection, 401 East State Street, Trenton, New Jersey, 08625, (609) 584-4271, to serve as the recipient's Project Manager for the Cooperative Agreement.

Condition No. 10, "LOBBYING RESTRICTION AND CERTIFICATION," is hereby deleted and is replaced with the following updated version:

10. LOBBYING AND LITIGATION CERTIFICATE

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

The recipient shall abide by its respective OMB Circular (A-87), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

Condition No. 11, "RECYCLED PAPER," is hereby deleted and is replaced with the following updated version:

11. RECYCLED PAPER

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

Condition No. 12, "PURCHASE OF PRODUCTS CONTAINING RECYCLED MATERIALS (RCRA)," is hereby deleted and is replaced with the following updated version:

12. PURCHASE OF PRODUCTS CONTAINING RECYCLED MATERIALS (RCRA)

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

The following Administrative Conditions are added:

17. NEW RESTRICTIONS ON LOBBYING

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

18. SINGLE AUDITS

A recipient who expends more than \$300,000 annually in Federal funds is required to have an independent audit performed in accordance with the Office of Management and Budget (OMB) Circular A-133. The cost of such an audit is an allowable charge to your Federal grant awards on a prorated basis. If you have already met this requirement, please submit 2 copies of the latest independent audit report to the EPA, Grants and Contracts Management Branch within 30 days of the date of this award. If the required audit has not been performed, submit milestone dates for compliance with OMB Circular A-133 within 30 days of the date of this award to the EPA, Grants and Contracts Management Branch.

Programmatic Conditions

All Programmatic Terms and Conditions included in the original Agreement No. V00242002-0 remain in effect and are incorporated by reference herein, with the following exceptions:

Condition No. 17, "LIMITATION ON CHARGING COSTS - SITE APPROVAL," is renumbered as Programmatic Condition No. 1, and applies to this amendment as well as to the original award. That condition is as follows:

1. LIMITATION ON CHARGING COSTS - SITE APPROVAL

The recipient has cited the NJDEP's "Immediate Environmental Concern (IEC)" inventory as the potential universe of sites to be considered under this agreement. Sites may be selected for submission to the EPA Project Officer for approval from this universe of sites. However, in accordance with 40 CFR 6055(a)(2)(1), the recipient may not incur costs on any new sites until the EPA Project Officer has approved the site in writing.

Condition No. 18, "LIMITATION ON CHARGING COSTS - SAMPLING," is renumbered as Programmatic Condition No. 2, and applies to this amendment as well as to the original award. That condition is as follows:

2. LIMITATION ON CHARGING COSTS - SAMPLING

Pre-CERCLIS Screening sites may be selected for submission to the EPA Project Officer for sampling. However, no work can begin at a site until the EPA Project Officer has approved a specific site in writing.

The following Programmatic Condition is added:

3. LIMITATION ON CHARGING COSTS - EQUIPMENT (PURCHASE AND/OR RENTAL)

For all equipment items with a unit cost of \$5,000 or more, including items such as a geoprobe, the recipient is precluded from charging costs to the agreement for leasing or buying these items until the recipient has submitted to the EPA Project Officer, and the EPA Project Officer has approved in writing, a justification and cost comparison analysis in accordance with 40 CFR 35.6315(c). The recipient must then obtain the equipment through the most cost-effective method. Further, prior to incurring costs for any "geoprobe accessories and supplies" items, the recipient must provide a breakdown of the items proposed to be purchased, by unit cost.